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DECISION ON PETITION

In re Application of
Jacobus Adriaan Wessels et al.
Application No. 10/501,404
Filed: July 15, 2004
Attorney Docket No. **P08323US00/BAS**

This is a decision on the petition filed June 13, 2007 under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is GRANTED.

The above-referenced application was held abandoned on February 6, 2007, for failure to file a timely response to the non-Final Office Action mailed January 5, 2007 which set the longer of one month or 30 days for reply. Accordingly, a Notice of Abandonment was mailed June 5, 2007.

Petitioner argues that the period for response with a 5 month extension of time does not lapse until July 5, 2007.

Under the provisions of 37 CFR 1.136(a), an extension of time up to five months could be obtained making the response due date not later than July 5, 2007 as claimed by petitioner. As the period for extensions had not expired, the application is not abandoned and the Notice of Abandonment was mailed prematurely.

In view thereof, and in accordance with the authorization to charge petitioner's deposit account filed June 19, 2007 with the response in the form of an Election, \$1080.00 has been charged to petitioner's credit card for a five month extension of time to make the filing of the response timely filed.

The Notice of Abandonment was sent in error and is hereby withdrawn. No fee for the petition to withdraw the holding of abandonment is due and none has been charged.

This application is being forwarded to Technology Center 3754 for review of the response filed June 19, 2007.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

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